



AGENDA

COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS

Board Chambers
Suite 100
Ernie Lee Magaha Government Building - First Floor
221 Palafox Place

October 8, 2020
9:00 a.m.

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Notice: This meeting is televised live on ECTV and recorded for rebroadcast on the same channel. Refer to your cable provider's channel lineup to find ECTV.

1. Call to Order

(PLEASE TURN YOUR CELL PHONE TO THE SILENCE OR OFF SETTING.)
2. Was the meeting properly advertised?
3. Pledge of Allegiance to the Flag.
4. Itinerant Vendor Ordinance
(Alison Rogers - 30 min)
 - A. Board Discussion
 - B. Board Direction
5. Eager Beaver Permit
(Alison Rogers - 30 min)
 - A. Board Discussion
 - B. Board Direction

6. Panhandling Update
(Alison Rogers - 15 min)
 - A. Board Discussion
 - B. Board Direction

7. Broadband Discussion
(Bart Siders - 30 min)
 - A. Board Discussion
 - B. Board Direction

8. CARES Update
(Janice P. Gilley - 30 min)
 - A. Board Discussion
 - B. Board Direction

9. Hurricane Update
(Janice P. Gilley - 30 min)
 - A. Board Discussion
 - B. Board Direction

10. Adjourn

Committee of the Whole

4.

Meeting Date: 10/08/2020

Issue: Itinerant Vendor Ordinance

From: ALISON ROGERS, County Attorney

Information

Recommendation:

Itinerant Vendor Ordinance
(Alison Rogers - 30 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

Ordinance Option A

Ordinance Option B

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ORDINANCE NUMBER 2020-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING VOLUME 1, CHAPTER 18, ARTICLE VI, SECTION 18-314, DEFINITIONS; SECTION 18-315, EXEMPTION; SECTION 18-316, LICENSE REQUIRED; SECTION 18-317, LICENSE APPLICATION PROCEDURE; SECTION 18-318, VERIFICATION OF EMERGENCY, BANKRUPT, DAMAGED, ETC., SALES STATUS; SECTION 18-319, LICENSE PREREQUISITE TO SALES OR ADVERTISEMENT; SECTION 18-320, REPORTS OF SALES; SECTION 18-321, LICENSE PERMIT NOT TRANSFERABLE; SECTION 18-322, DURATION OF LICENSE; SECTION 18-323, PENALTIES AND SECTION 18-324, ENFORCEMENT, FOR THE PURPOSE OF ADDING ADDITIONAL CONSUMER PROTECTIONS; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 125, Florida Statutes, the County is authorized to establish regulations in the interest of the public health, safety, and welfare to provide protection for, regulate, and control itinerant vendor sales in the County; and

WHEREAS, the Board of County Commissioners finds that the County's ordinance relating to itinerant vendors requires amendment to promote consumer protection of the public by adding protection, regulation, and control of itinerant vendor sales within the County; and

WHEREAS, the Board of County Commissioners further finds that the proposed amendments serve a compelling public purpose and are in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Amendments. Volume 1, Chapter 18, Article VI, Section 18-314 through Section 18-324 of the Escambia County Code of Ordinances are hereby amended to read as follows (words underlined are additions and words ~~stricken~~ are deletions):

Sec. 18-314. - Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1 Continuously held means commencing on the date shown as the start date on the
2 license permit and continuing without break or interruption during the established regular
3 hours and days of the sale as specified within the application, until the end of the permit
4 period. In the case of dealers licensed under Chapter 320 of the Florida Statutes, as
5 amended, the sale may not extend past the dates authorized by the Florida Department
6 of Highway Safety and Motor Vehicle's Temporary Off-Premises Supplemental Sales
7 Permit. See §§ 320.27(5), 320.77(7) and 320.771(7), Florida Statutes, as amended.
8

9 *Itinerant vendor* means all persons, firms and corporations, as well as their agents
10 and employees, who engage in the temporary or transient business in the unincorporated
11 area of the county, of selling, offering for sale or exhibiting for sale any goods, wares or
12 merchandise and who, for the purpose of carrying on such business, either hires, rents,
13 leases or occupies any room or space in any building, structure, any lot or parcel of land
14 or vehicle in such unincorporated area of the county, in, through or from which any goods,
15 wares or merchandise may be sold, offered for sale or exhibited for sale.
16

17 *Temporary* means any such business transacted or conducted in the
18 unincorporated area of the county for which definite arrangements have not been made
19 for the hire, rental or lease of premises for at least ~~480~~30 days in or upon which such
20 business is to be operated or conducted, excepting from the provisions of this article any
21 business sponsored by or under contract with an established business, shopping mall,
22 shopping center or interstate fairground, and which agrees in writing to act as surety
23 therefor for the period which such business contracts with or is sponsored by such
24 established business, shopping mall, shopping center, or interstate fairground and two
25 years thereafter.
26

27 *Transient* means any such business of any such itinerant vendor as may be
28 operated or conducted by persons, firms, or corporations, or by their agents or employees
29 who reside away from the county or who have fixed places of business in places other
30 than the county, or who have their headquarters in places other than the county, or who
31 move stocks of goods or merchandise or samples thereof into the county with the purpose
32 or intention of removing them or the unsold portion thereof away from the county before
33 the expiration of ~~480~~30 days.
34

35 **Sec. 18-315. - Exemption.**
36

37 The licensing provisions of this article shall not be applicable to:

- 38 (1) Salesmen representing wholesale houses or distributors who sell to local
39 retail merchants from catalogues or samples.
40
41 (2) Sales of items which have been personally fabricated or handcrafted by the
42 seller thereof.
43
44 (3) Sales of goods or merchandise purchased with donated funds or donated
45 by the owners thereof, the proceeds whereof to be applied to any charitable or
46 philanthropic purpose.

1
2 (4) The conducting of a sale of privately owned, used merchandise at garage
3 or yard sales on premises owned or rented as a residence by the seller of such
4 goods.

5
6 (5) Sales of goods or merchandise at festivals, celebrations or other special
7 events sponsored or permitted by the appropriate governing body or authority.

8 (6) The sale of farm, grove, horticultural, floricultural, tropical piscicultural, or
9 tropical fish, farm products or products manufactured therefrom, except
10 intoxicating liquors, wine or beer.

11
12 (7) Where anticipated sales and stocks on hand are anticipated at or valued at
13 less than \$500.00 in any given business day.

14
15 (8) Those persons doing business pursuant to Ordinance No. 83-18, commonly
16 referred to as the seafood vendor's ordinance (section 18-1).

17
18 (9) The sale or exhibit of firearms and related items.

19
20 **Sec. 18-316. - License permit required; license permit application fee.**

21
22 It shall be unlawful for any itinerant vendor to sell, offer for sale or exhibit for sale,
23 any goods, wares or merchandise without having first secured a license permit therefor,
24 as provided in this article. The office of the tax collector of the county shall issue to any
25 itinerant vendor a license permit authorizing such itinerant vendor to sell, exhibit for sale
26 or offer for sale, in the unincorporated areas of the county, goods, wares and merchandise
27 only after such itinerant vendor shall have fully complied with the provisions of this article
28 and made payment of a license permit application fee based on the following schedule:

29
30 *If Anticipated Sales Are*

- 31
32 \$10,000.00 or less \$120.00
33 \$10,001.00—\$24,999.00 \$250.00

34
35 *If Anticipated Sales Are*

- 36
37 \$25,000.00—\$49,000.00 \$375.00
38 \$50,000.00—\$99,000.00 \$500.00
39 Over \$100,000.00 \$625.00

40
41 **Sec. 18-317. – License permit application procedure.**

42
43 (a) The itinerant vendor shall make application to the office of the county tax
44 collector at least ten days prior to the date of his contemplated sale or offer for sale
45 to be held in the unincorporated areas of the county, which application shall be in
46 the form of an affidavit stating the full name and address of the itinerant vendor,
47 the location of his or its principal office and place of business, the names and

1 addresses of its officers if it be a corporation, ~~and~~ the partnership name and the
2 names and addresses of all partners if such itinerant vendor be a firm, and an
3 affirmation that no new motor vehicles will be offered for sale or exhibit in the
4 county if an existing franchise for that make of motor vehicles exists in this county
5 or in any adjoining county. The county tax collector may waive the ten-day
6 application timeframe upon a showing of good cause.
7

8 (b) Before such license permit shall issue, the application therefor must be
9 accompanied by:

10
11 (1) A statement showing the kind and character of the goods, wares or
12 merchandise to be sold or offered for sale. For the sale or exhibit of motor
13 vehicles, this statement shall include the year, make, model and Vehicle
14 Identification Number (VIN) for each motor vehicle that the itinerant vendor
15 expects to offer for sale or exhibit.
16

17 (2) A certified copy of the charter if the itinerant vendor be a corporation,
18 incorporated under the laws of the state.
19

20 (3) A certified copy of its permit to do business in the state if the itinerant
21 vendor be a corporation incorporated under the laws of some state other
22 than this state.
23

24 (4) A bond shall be required. For the sale or exhibit of motor vehicles, a
25 bond in the sum of \$5,000.00~~25,000.00~~ or ten percent of anticipated sales,
26 whichever is greater, shall be required. For any other type of sale or exhibit,
27 a bond in the sum of \$10,000.00 or ten percent of anticipated sales,
28 whichever is greater, shall be required. ~~and it~~ The bond shall be executed
29 by the itinerant vendor as principal with two or more good and sufficient
30 sureties satisfactory to the office of the county tax collector, which bond
31 shall be payable to the county Escambia County Board of County
32 Commissioners, for the use and benefit of the county and any other person
33 or persons entitled thereto and conditioned that the principal and surety will
34 pay all damages to persons caused by, or arising from or growing out of,
35 the wrongful, fraudulent, or illegal conduct of the itinerant vendor while
36 conducting the sale or offer for sale in the county. The bond shall remain in
37 full force and effect for the entire duration of the license permit as provided
38 in this article and two years thereafter, ~~or until compliance with the~~
39 provisions of this article, whichever period is greater. The itinerant vendor
40 shall ensure that the itinerant vendor's name appearing on the bond is the
41 same name appearing on the license permit application and on the itinerant
42 vendor's business tax receipt. All documents submitted for the purpose of
43 obtaining an itinerant vendor business license shall be original documents.
44

45 (5) A statement of the commencement and completion dates of the
46 anticipated sale. The commencement and completion dates shall match

1 those dates contained on the itinerant vendor's State of Florida Temporary
2 Off-Premises "Supplemental" Sales Permit.

3
4 (6) An affidavit affirming that there are no active consumer complaints
5 against the itinerant vendor and that their motor vehicle dealer license is
6 valid and not subject to any administrative sanctions.

7
8 (7) A statement of the following information for the itinerant vendor's
9 notary: (i) name, address, telephone number and e-mail address of notary,
10 and (ii) notary bond information. If the itinerant vendor will not be utilizing
11 the services of a notary, then the itinerant vendor shall include a statement
12 affirming that no notary will be utilized.

13
14 The information listed above in Sec. 18-317(b) shall be provided no later than five days
15 prior to the commencement date of the sale.

16
17 (c) The itinerant vendor shall display or announce the license permit number in
18 all advertisements, whether the advertisement be by circular, handbill, magazine,
19 newspaper, poster, billboard, television, radio announcement or any other means
20 of conveying to the public notice of the anticipated sale.

21
22 **Sec. 18-318. - Verification of emergency, bankrupt, damaged, etc., sales status.**

23
24 An itinerant vendor shall not advertise, represent, or hold forth a sale of goods,
25 wares, or merchandise as an emergency, insurance, bankrupt, insolvent, assignee,
26 trustee, estate, executor, administrator, receiver, manufacturer's wholesale, cancelled
27 order, or misfit sale or closing-out, or a sale of any motor vehicle consignment goods
28 (applies to transient itinerant vendors only) or goods damaged by smoke, fire, water or
29 otherwise, unless before so doing he shall state in writing under oath to the office of the
30 tax collector of the county at the time he makes application for a license permit all the
31 facts relating to the reason and character of such special sales so advertised, held forth
32 or represented, including a statement of the names of persons from whom such goods,
33 wares, or merchandise were purchased, and the date of delivery of such goods, wares,
34 or merchandise to the person applying for license permit, the place where such goods,
35 wares, or merchandise were taken last, and such details necessary to exactly locate and
36 fully identify goods, wares, or merchandise to be sold, and make such further disclosure
37 to and give such information as may be required by the tax collector of the county. An
38 itinerant vendor shall also include in such statement names and residences of the owners
39 in whose interest the sale is conducted and whether conducted as an individual, firm,
40 association, or corporation. An itinerant vendor shall maintain reasonable indicia of
41 ownership onsite during the sale or exhibit. An itinerant vendor shall also permit
42 inspection of all indicia of ownership by the sheriff of the county or his duly authorized
43 representative, and other law enforcement officers operating in the county.

1 **Sec. 18-319. - License permit prerequisite to sales or advertisement.**
2

3 (a) It shall be unlawful for any itinerant vendor to sell or exhibit for sale either
4 at public or private sale any goods, wares, or merchandise without first complying
5 with the provisions of sections 18-316 through 18-319, or to make any false
6 statements in reference to the matters required in subsection 18-317(b) and
7 section 18-318, or to fail or refuse to comply with the requirements of any of the
8 provisions of this article, and every person, whether principal or agent, who by
9 circular, handbill, magazine, newspaper, poster, billboard, television, radio
10 announcement or in any manner advertises such sales as contemplated in this
11 article before proper license permit is issued to such itinerant vendor and before
12 he has complied with the provisions of this section, shall be guilty of a violation of
13 this article. Provided, however, that nothing in this section contained shall be
14 construed as abridging or denying the right and power of the board of county
15 commissioner to refuse or withhold the granting of any license permit or to revoke
16 the license permit, if granted, to an itinerant vendor upon any hearing thereof when
17 in the discretion of such board of county commissioners on the basis of the
18 disclosures during such hearing, or from other information deemed by them
19 sufficient, such action may be deemed necessary or proper to protect or
20 safeguard the public from imposition, mischief or fraud.
21

22 (b) All advertisements shall include a statement that the itinerant vendor is
23 bonded and insured.
24

25 **Sec. 18-320. - Reports of sales.**
26

27 (a) All itinerant vendors shall make a verified report of sales within seven days
28 of the close of business. The report shall include a detailed summary of the goods,
29 wares, or merchandise sold; including the sales price, year, make, model and
30 identification number (if applicable). In the case of sales involving trade-ins, the
31 report shall also include a detailed summary of those goods, wares, or
32 merchandise that the itinerant vendor has accepted as a trade-in, including the
33 value of the trade-in as determined by the itinerant vendor.
34

35 (b) All itinerant vendors shall provide a sworn affidavit within ten days of the
36 close of business. The affidavit shall include an affirmation that all goods, wares,
37 or merchandise sold has been delivered in working order to the purchasers. In the
38 case of sales involving trade-ins, the itinerant vendor shall also include in the
39 affidavit an affirmation that any and all liens on the traded goods, wares, or
40 merchandise have been satisfied.
41

42 (c) If the report of sales establishes that the actual sales exceeded the
43 anticipated sales estimated in accordance with Section 18-316 then, at the time of
44 submission of the report of sales, the itinerant vendor shall pay to the county tax
45 collector the difference between the application fee paid and the application fee
46 that would have been paid had the application fee been calculated using actual
47 sales.

1
2 (d) The following shall be considered grounds for denial of issuance of future
3 license permits to an itinerant vendor:

- 4
5 (1) The failure to timely provide any of the reports of sales information
6 described in this section;
7
8 (2) The failure to timely pay the license permit application fee as described
9 in Section 18-316; and
10
11 (3) The failure to exercise good faith when securing the bond based on
12 anticipated sales, as required by Section 18-317(b)(4). If the report of
13 sales establishes that the actual sales exceeded the anticipated sales
14 by more than fifty percent (50%), then such result shall be considered a
15 failure to exercise good faith in estimating anticipated sales.
16

17 **Sec. 18-321. - License permit not transferable.**

18
19 The license permit provided for in this article shall not be transferable, nor give
20 authority to more than one person to sell or exhibit goods or merchandise as an itinerant
21 vendor either by agent or by employee or in any other way than his own proper person,
22 but any person having obtained such license permit may have the assistance of one or
23 more persons in conducting the sale or offer of sale, who shall have authority to aid that
24 principal, but not to act for or without him.
25

26 **Sec. 18-322. - Duration of license permit.**

27
28 The license permit as provided for in this article shall continue so long as such sale
29 or exhibit is continuously held in the unincorporated areas of the county, ~~but in no event~~
30 ~~shall it continue for more than 180 days from the date of its issuance~~ so long as the sale
31 or exhibit does not extend beyond the completion date stated in the itinerant vendor's
32 license permit application. Any extension beyond the stated completion date shall require
33 an additional license permit. Such license permit shall be prominently displayed in a
34 conspicuous place on the premises where such sale or exhibit is being conducted and
35 shall remain so displayed so long as any goods, wares or merchandise are being so sold
36 or offered for sale.
37

38
39 **Sec. 18-323. - Penalties.**

- 40
41 (a) Any person violating any provision of this article or any rule, order, or
42 regulation made pursuant to this article shall be prosecuted in the same manner
43 as misdemeanors are prosecuted, and upon conviction shall be punished by a fine
44 not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days
45 or by both such fine and imprisonment.
46

1 (b) The county attorney is hereby authorized to institute a civil action in a court
2 of competent jurisdiction to seek injunctive relief to enforce compliance with this
3 article.
4

5 (c) For the purposes of this article, a separate offense shall be deemed
6 committed for each day a violation of this article exists, such time commencing
7 on the day the offender is notified of the violation.
8

9 (d) Any violation of this Article shall be considered grounds for denial of
10 issuance of future license permits to an itinerant vendor. Any itinerant vendor
11 aggrieved by any denial of issuance of a future license permit may petition the
12 board of county commissioners of the county for review of such decision. A petition
13 setting forth a statement of facts establishing petitioner's grievance shall be filed
14 with the clerk to the board of county commissioners within 20 days of the decision
15 for which review is sought. Within 20 days of the filing of the petition, the board of
16 county commissioners shall issue an order providing for a notice and time of
17 hearing on the claim of petitioner before the board of county commissioners at its
18 next regular meeting.
19

20 **Sec. 18-324. - Enforcement.**
21

22 (a) The sheriff of the county or his duly authorized representative, and other
23 law enforcement officers operating in the county, are authorized and directed to
24 enforce this article.
25

26 (b) At least five days prior to the commencement date of the anticipated sale or
27 exhibit, the itinerant vendor shall notify the office of the county tax collector of the
28 sale commencement date.
29

30 (c) At least five days prior to the commencement date of the anticipated sale or
31 exhibit, the itinerant vendor shall also notify the Escambia County Sheriff's Office
32 in writing of the anticipated sale date(s), provide the Sheriff's Office with a copy of
33 the itinerant vendor's license permit, as well as provide the Sheriff's Office with
34 contact information (name, telephone number, address and email address) for the
35 onsite manager and security personnel expected to be present each day of the
36 sale or exhibit.
37
38

39 **SECTION 3. Severability and Conflicts.** If any section, sentence, clause or phrase of
40 this ordinance is held to be invalid or unconstitutional by any court of competent
41 jurisdiction, then said holding shall in no way affect the validity of the remaining portions
42 of this ordinance. If this ordinance conflicts with any other ordinance in the Escambia
43 County Code of Ordinances, this ordinance shall apply.
44

45 **SECTION 4. Inclusion in Code.** It is the intention of the Board of County
46 Commissioners that the provisions of this ordinance shall be codified as required by F.S.
47 § 125.68, and that the sections, subsections and other provisions of this ordinance may

1 be renumbered or relettered and the word "ordinance" may be changed to "section,"
2 "article," or such other appropriate word or phrase in order to accomplish such intentions.

3
4 **SECTION 5. Effective Date.** This ordinance shall become effective upon filing with the
5 Department of State.

6
7 **DONE AND ENACTED** this ____ day of _____, 2020.

8
9
10 **BOARD OF COUNTY COMMISSIONERS**
11 **ESCAMBIA COUNTY, FLORIDA**

12
13
14 **By:** _____
15 **Steven Barry, Chairman**

16
17 **ATTEST: PAM CHILDERS**
18 **CLERK OF THE CIRCUIT COURT**

19
20
21 **By:** _____
22 **Deputy Clerk**

23
24 **(SEAL)**

25
26 **ENACTED:**

27
28 **FILED WITH THE DEPARTMENT OF STATE:**

29
30 **EFFECTIVE DATE:**

1 **ORDINANCE NUMBER 2020-__**

2
3 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
4 **ESCAMBIA COUNTY, FLORIDA CREATING VOLUME 1, CHAPTER 18,**
5 **ARTICLE VII, SECTIONS 18-351 THROUGH 18-355 OF THE ESCAMBIA**
6 **COUNTY CODE OF ORDINANCES; REGULATING THE SALE OF**
7 **MOTOR VEHICLES UNLESS CONDUCTED BY A BUSINESS WITHIN**
8 **ESCAMBIA COUNTY; PROVIDING FOR SEVERABILITY AND**
9 **CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING**
10 **FOR AN EFFECTIVE DATE.**

11
12 **WHEREAS**, pursuant to Chapter 125, Florida Statutes, the County is authorized to
13 establish regulations in the interest of the public health, safety, and welfare to provide
14 protection for, regulate, and control remote motor vehicle sales in the County; and
15

16 **WHEREAS**, there has been an increased occurrence of remote motor vehicle sales
17 within Escambia County; and
18

19 **WHEREAS**, these remote motor vehicle sales are conducted on property by
20 individuals and entities which have no established business within the boundaries of
21 Escambia County; and
22

23 **WHEREAS**, the individuals and entities which conduct these transactions normally
24 depart the area after completion of the event and there is limited or no ability for
25 purchasers of the motor vehicles to seek necessary information and recourse from the
26 sellers; and
27

28 **WHEREAS**, sales conducted by businesses, individuals, and entities which have
29 an established business within Escambia County provides a meaningful opportunity for
30 the seller to seek recourse in the event that problems occur as to the vehicle; and
31

32 **WHEREAS**, the Board of County Commissioners further finds that the proposed
33 amendments serve a compelling public purpose and are in the best interest of the County
34 and its citizens;
35

36 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
37 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

38 **SECTION 1.** **Recitals.** The foregoing recitals are true and correct and incorporated
39 herein by reference.
40

41 **SECTION 2.** **Creation.** Volume 1, Chapter 18, Article VII, Section 18-351 through 18-
42 355 of the Code of Ordinances of Escambia County, Florida is hereby created as follows:
43
44

45 **ARTICLE VII. – REMOTE MOTOR VEHICLE SALES**
46

1 **Sec. 18-351. – Short Title.**

2
3 This article shall be known and may be cited as the “Remote Motor Vehicle Sale
4 Regulatory Ordinance of Escambia County, Florida” and shall be applicable within the
5 unincorporated area of Escambia County.
6

7 **Sec. 18-352. – Scope.**

8
9 It is not intended by this article to repeal, abrogate, annul or any way impair or
10 interfere with existing provisions of other laws. Where this article imposes a greater
11 restriction upon persons, premises or personal property than is imposed or required by
12 other laws or ordinances, the provisions of this article shall control.
13

14 **Sec. 18-353. – Definitions.**

15
16 For the purpose of this article, the following terms, phrases, words and their
17 derivations shall have the meanings given herein. When not inconsistent with the context,
18 words used in the present tense include the future, words in the plural number include the
19 singular number, and words in the singular number include the plural number. The word
20 “shall” is always mandatory and not merely directory.
21

22 *Licensed Dealership* means a premise which the primary endeavor is the sale of
23 new or used motor vehicles.
24

25 *Motor Vehicle* means a new or used automobile or truck.
26

27 *Permanent Motor Vehicle Sales Business* means a business which operates out
28 of a structure and has paid the Local Business Tax authorized under section 205.013,
29 Florida Statutes for that location.
30

31 *Person* means and includes natural persons, partnerships, joint ventures, trusts or
32 corporations, or any officers, agents, employees of any kind or personal representatives
33 of any thereof, in any capacity, acting either for himself, or for any other person.
34

35 *Premises* means and includes all lands, structures, places, and also the equipment
36 and appurtenances connected or used therewith in any business, or as is otherwise used
37 in connection with any such business conducted on such premises.
38

39 **Sec. 18-354. – Prohibited Actions.**

40
41 It shall be unlawful for any person, either directly or indirectly, to conduct a sale of
42 a motor vehicle, regardless of whether it is new or used, where it is conducted at a site
43 which is not the location of the permanent motor vehicle sale business unless it is
44 conducted by a licensed dealership with a permanent sales location within the boundaries
45 of Escambia County. This prohibition shall not apply to the sale of a motor vehicle by a
46 person at a location other than the individual residence for which the motor vehicle is

1 individually titled to that person (not including titled as part of a dealership or commercial
2 business) provided no person shall sell more than three (3) such motor vehicles per year.
3 This prohibition shall also not apply to the online sale of new or used motor vehicles.
4

5 **Sec. 18-355. – Penalties for Violations.**

6
7 The sheriff of the county or his duly authorized representative, and other law
8 enforcement officers operating in the county, are authorized and directed to enforce this
9 article.
10

11 **Secs. 18-356—18-380. - Reserved.**

12
13 **SECTION 3. Severability and Conflicts.** If any section, sentence, clause or phrase of
14 this ordinance is held to be invalid or unconstitutional by any court of competent
15 jurisdiction, then said holding shall in no way affect the validity of the remaining portions
16 of this ordinance. If this ordinance conflicts with any other ordinance in the Escambia
17 County Code of Ordinances, this ordinance shall apply.
18

19 **SECTION 4. Inclusion in Code.** It is the intention of the Board of County
20 Commissioners that the provisions of this ordinance shall be codified as required by F.S.
21 § 125.68, and that the sections, subsections and other provisions of this ordinance may
22 be renumbered or relettered and the word “ordinance” may be changed to “section,”
23 “article,” or such other appropriate word or phrase in order to accomplish such intentions.
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35 **THIS SPACE INTENTIONALLY LEFT BLANK**
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1
2 **SECTION 5. Effective Date.** This ordinance shall become effective upon filing with the
3 Department of State.

4
5 **DONE AND ENACTED** this ____ day of _____, 2020.
6

7
8 **BOARD OF COUNTY COMMISSIONERS**
9 **ESCAMBIA COUNTY, FLORIDA**

10
11
12 **By:** _____
13 **Steven Barry, Chairman**

14
15 **ATTEST: PAM CHILDERS**
16 **CLERK OF THE COURT**

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19 **By:** _____
20 **Deputy Clerk**

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22 **(SEAL)**

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24 **ENACTED:**
25 **FILED WITH THE DEPARTMENT OF STATE:**
26 **EFFECTIVE DATE:**
27

Committee of the Whole

5.

Meeting Date: 10/08/2020

Issue: Eager Beaver Permit

From: ALISON ROGERS, County Attorney

Information

Recommendation:

Eager Beaver Permit
(Alison Rogers - 30 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

Draft - Specified Debris Recycling Facility Amendments

[Draft] Specified Debris Recycling for Escambia County Solid Waste Code

Article I. IN GENERAL

§ 82-1. Definitions. (Code 1985, § 1-29-2; Ord. No. 2017-21, § 1, 4-20-2017)

Construction and demolition debris means nonhazardous material generally considered not to be water soluble including, but not limited to, steel, concrete, glass, brick, asphalt, roofing material or lumber from a construction or demolition project. Contamination of construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.

Land clearing debris means rocks, soils, tree remains, trees, and other vegetative matter that normally results from land development operations, land clearing, or maintenance including yard trash and yard waste.

Land clearing disposal facility means a facility on a real property site no larger than 25 acres whose primary purpose is to hold vegetative land clearing debris whose characteristics allow it to operate in both urban and rural areas if certain conditions are met. Land clearing debris includes unpainted, nontreated wood scraps and wood pallets that meet the definition of construction and demolition debris

Specified debris recycling facility means a facility on a real property site no larger than 25 acres whose primary purpose is to recycle certain specified debris allowed under this Code for processing, regular transfer offsite or sale on site whose characteristics allow it to operate in both urban and rural areas if certain conditions are met, does not include debris storage onsite other than as inventory and feedstock for recycling processes, but allows processed recycled products inventory stored for transfer or sale.

Specified debris for recycling means:

A. Vegetative land clearing debris & yard trash, or

B. Concrete recycling

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Recycling means the process by which recovered resources from specified debris or solid waste are transformed into new products in such a manner that the original products lose their identity.

Yard trash means vegetative matter resulting from landscaping maintenance such as tree and shrub trimmings, grass clippings and palm fronds, trees and tree stumps, and includes land clearing debris and unpainted, nontreated wood scraps and wood pallets that meet the definition of construction and demolition debris.

Yard waste means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property clean-up activities. It includes materials such as leaves, shrub trimmings, grass clippings, palm fronds, and brush. It does not include land clearing debris or tree cutting debris.

Commented [EM1]: Though not proposed here, it is suggested that "Solid Waste Recycling Facilities" be made its own Division with more particular standards, using the reserved Sections 82-237-239.

Article V. LANDFILLS AND OTHER DISPOSAL FACILITIES

Division 1. GENERALLY

Division 2. POLICY FOR USERS

Division 3. CONSTRUCTION AND DEMOLITION DEBRIS (C&DD) FACILITIES

Division 4. SPECIFIED DEBRIS RECYCLING FACILITIES

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§ 82-224. Legislative findings; public purpose, intent, and county-wide application. (Ord. No. 2006-24, § 2, 3-16-2006)

(2) Supplemental regulation of the operation and disposal of construction and demolition, and Land clearing debris disposal facilities (C&DD) solid waste recycling facilities (SWR) and specified debris recycling facilities (SDRF)(C&DD) within both the incorporated and unincorporated areas of the county serves a public purpose and promotes the health, safety and welfare of the citizens of the county.

Commented [EM2]: Though not proposed here, it is suggested that "Solid Waste Recycling Facilities" be made its own Division with more particular standards, using the reserved Sections 82-237-239.

§ 82-225. Definitions. (Ord. No. 2006-24, § 2, 3-16-2006; Ord. No. 2015-31, § 1, 8-13-2015; Ord. No. 2017-21, § 3, 4-20-2017)

Construction and demolition debris means discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; except as provided in F.S. § 403.707(9)(j), yard trash and unpainted, nontreated wood scraps from sources other than construction or demolition projects; scrap from manufacturing facilities that is the type of material generally used in construction projects and that would meet the definition of construction and demolition debris if it were generated as part of a construction and demolition debris project, including debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities and de minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

Specified debris recycling facility (SDRF) means a facility on a real property site no larger than 25 acres whose primary purpose is to recycle certain specified debris allowed under this Code for processing regular transfer offsite or sale on site whose characteristics allow it to operate in both urban and rural areas if certain conditions are met, and does not include debris storage onsite other than as feedstock for recycling processes or processed recycled products for transfer or sale. Mixing of specified recycling debris with other types of solid waste will cause it to be classified as other than specified recycling debris debris.

Specified debris for recycling means either:

A. Vegetative land clearing debris & yard trash.

B. Concrete recycling

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§ 82-~~228~~241. Specified Debris Recycling Facility Permit required; fees and renewal. (~~Ord. No. 2006-24, § 2, 3-16-2006; Ord. No. 2015-31, § 1, 8-13-2015~~)

(a) General requirements.

(1) No person shall operate a ~~C&DD, transfer C&DD or LCD~~ specified debris recycling facility without a permit from the Escambia County Board of County Commissioners.

(2) The board shall establish by resolution, a permit application fee for the permitting of ~~specified debris recycling C&DD, transfer C&DD and LCD~~ facilities. The application fee will be based upon the classification of the facility and may include reasonable inspection and testing costs as determined by the board.

(3) The board shall consider all permit applications at a public hearing. Properties subject to a permit application shall be posted by the county at least ten days prior to the hearing where the board will consider granting a permit pursuant to this article.

(4) All ~~specified recycling debris C&DD and transfer C&DD~~ permits issued pursuant to this chapter shall be five years in duration or upon expiration of the facility's FDEP permit for ~~C&DD~~ disposal of the permitted form of specified debris, whichever term is shorter. ~~All LCD permits issued pursuant to this chapter shall be five years in duration.~~ As a condition of obtaining and maintaining a ~~specified recycling debris C&DD, C&DD transfer or LCD~~ permit, a permittee shall submit an annual affidavit on a form prepared by Escambia County that describes the scope of activities occurring on site, the percentage of the usable site filled with debris and the estimated lifespan for permitted activities occurring on the site. The permittee shall consent to periodic and random inspections of the site by Escambia County representatives, with such inspections to occur at a minimum of two times per year.

(5) Abandoned or closed facilities shall be permitted as closed facilities and shall comply with all other applicable provisions of the article.

(6) Repeated failure to comply with the provisions of this article and adopted rules and regulations may result in denial of an application for renewal and/or suspension of permit.

(7) In each instance where an applicant is required to provide a surety as a condition of a permit, the county will allow the applicant to provide a single financial mechanism to cover financial assurances for both the county and FDEP if an interagency agreement providing for such a program exists and when otherwise possible under the circumstances.

(8) Any variance granted by the board of county commissioners shall be specified during the public hearing at which a permit application is considered.

(b) Specific permit application requirements for ~~specified recycling debris C&DD facilities and LCD~~ facilities.

- (1) A permit application for a ~~specified recycling debris construction and demolition debris disposal~~ facility shall be submitted on an "application for a permit to construct, operate, modify or close a ~~specified recycling debris construction and demolition debris or land clearing disposal management~~ facility" issued by the Escambia County Development Services Department.
- (2) Boundary survey signed and sealed by a registered Florida surveyor.
- (3) Site plan. Provide a site plan, at a scale not greater than 200 feet to the inch, which shows the facility location and identifies the proposed waste and final residue storage areas, total acreage of the site, and any other features which are relevant to the prohibitions or location restrictions such as water bodies or wetlands on or within 500 feet of the site, and potable water wells on or within 1,000 feet of the site.
- (4) Operational plan. Provide an operation plan for the facility which includes:
 - b. A description of general facility operations, the number of personnel responsible for the operations including their respective job descriptions, and the types of equipment that will be used at the facility.
 - c. Procedures to ensure any unauthorized wastes received at the site will be properly managed.
 - d. A contingency plan to cover operation interruptions and emergencies such as fires, explosions, or natural disasters.
 - e. Procedures to ensure operational records needed for the facility will be adequately prepared and maintained.
 - f. Procedures to ensure that the wastes and final residue will be managed to not be expected to cause pollution.
- (5) Design drawings.

Committee of the Whole

6.

Meeting Date: 10/08/2020

Issue: Panhandling Update

From: ALISON ROGERS, County Attorney

Information

Recommendation:

Panhandling Update

(Alison Rogers - 15 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

7.

Meeting Date: 10/08/2020

Issue: Broadband Discussion

From: Bart Siders, Department Director

Information

Recommendation:

Broadband Discussion
(Bart Siders - 30 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

No file(s) attached.

Committee of the Whole

8.

Meeting Date: 10/08/2020

Issue: CARES Update

From: Janice Gilley, County Administrator

Information

Recommendation:

CARES Update

(Janice P. Gilley - 30 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

9.

Meeting Date: 10/08/2020

Issue: Hurricane Update

From: Janice Gilley, County Administrator

Information

Recommendation:

Hurricane Update

(Janice P. Gilley - 30 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.
